

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. :	09/894,904	Docket No. :	12835/100141
Inventor :	Steven C. MONROE	Confirmation No. :	4655
Filed :	June 29, 2001	Customer No. :	23838
Examiner :	Te Y. CHEN	Art Unit :	2161

For : SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR
MAINTAINING AND ACCESSING A WHOIS DATABASE

Mail Stop **Appeal Brief – Patents**
Commissioner for Patents
P.O. Box 1450
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Attention: Board of Patent Appeals and Interferences

REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

In response to the Examiner's Answer mailed June 1, 2007 and the Supplemental Examiner's Answer mailed July 12, 2007, Applicants submit this Reply Brief in the above-identified application. Although it is believed that no further fees are due, all fees associated with this appeal are authorized to be charged to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

I. The Examiner's Answer Fails to Show that Schneider Discloses Updating A Domain Name Record.

All pending claims have been rejected as anticipated by Schneider (U.S. Patent No. 6,760,746). However, Schneider fails to disclose each and every element of the claims, and therefore cannot anticipate the claims.

Independent claims 21, 31, and 41 recite, in relevant part, updating a second domain name record, within the whois database, based on the first domain name record. Schneider does not describe updating modified or deleted domain name records in a whois database. This is unsurprising, since Schneider is concerned with the generation, initial registration, and resolution (i.e., correlation to an IP address) of domain names. See, e.g., col. 12, lines 53-63; col. 20, lines 5-25; col. 22, lines 52-61; col. 25, lines 27-38. These differences between Schneider and the claimed features were explained in the Amendment filed July 28, 2006 and the Appeal Brief filed January 16, 2007.

In response, the Examiner suggests that: (1) Schneider discloses a DNS system with an automatic correction mechanism (Examiner's Answer, p. 8, lines 17-22); and (2) Schneider's disclosure of domain resolution and search requests, URL organization, and an autosearch browser anticipate the claimed features (p. 9-10). The Examiner's analysis of Schneider is inaccurate, and fails to show that Schneider discloses each and every element of the claims. For at least the reasons given below, the rejection should be reversed.

A. The DNS System Described in Schneider Does not Update Domain Name Records.

The Examiner asserts that Schneider discloses automatic updating of a DNS system at column 3, line 62 to column 4, line 4:

In order to resolve host names, netlib uses a standard DNS lookup mechanism. NET...FindAddress() makes the gethostbyname() call to lookup the IP address for the specified host from a DNS database stored on a DNS server, and is called from NET...BeginConnect(). If a numeric IP address is passed into NET...FindAddress(), it is passed directly into the gethostbyname() call which will always return success when an IP address is passed in. NET...

FindAddress() is actually called repeatedly until it returns success or failure. Upon success the host entity struct is filled out, and cached. Upon failure, the host entity struct is freed and the "not found" result is passed back to the caller.

(emphasis added). The Examiner suggests that this passage describes a system that "provides a mechanism to automatically update, search and extract those distributed network resources being

represented by the URIs.” Examiner’s Answer, p. 8, lines 18-20. However, The Examiner’s analysis incorrectly interprets Schneider’s general host name resolution as including an update function. As understood in the art and as clearly stated by Schneider, host name resolution is merely the identification of an IP address based on a domain name:

The function of translating a domain name into a corresponding IP address is known as name resolution. Name resolution is performed by a distributed system of name servers that run specialized software known as resolvers to fulfill the resource location request of the client by the successive hierarchical querying of the resource records from zone files.

Col. 6, lines 2-8. Thus, contrary to the Examiner’s position, the netlib library and standard DNS lookup mechanisms do **not** update any domain name records, automatically or otherwise. They merely provide an IP address associated with a host name. There is no disclosure of first and second domain name records, and certainly no disclosure of updating a second domain name record in a whois database based on a first domain name record. This portion of Schneider simply fails to anticipate any feature recited in the claims.

In fact, Schneider fails to teach updating a second domain name record in a whois database based on a first domain name record. For at least this reason, the rejection should be reversed.

B. The Registration, Resolution, and Autosearch Features Cited by the Examiner Do Not Anticipate the Claimed Features.

The Examiner further cites to three uses of an Internet client/server system that allegedly anticipate the claims: domain resolution and search (col. 6, lines 9-20), URL organization (col. 7, lines 7-20), and a web browser automatic correction feature (col. 7, lines 36-58). See Examiner’s Answer, p. 9. However, none of these features disclose or relate to updating a second domain name record in a whois database based on a first domain name record.

The Examiner provides a single example of how Schneider’s features allegedly disclose a domain name being updated, using the automatic correction feature described in column 7.

According to the Examiner's analysis, a feature which corrects user input can somehow update a domain name record in a remote whois database:

For example, an existing "autosearch"

browser server developed by Microsoft will automatically update (or construct) the improperly entered URL (i.e., a domain name records in the Internet "WHOIS" database query) to a valid URL, thereby, by comparing a first domain name record in a registrar database (e.g., the user entered URL domain name of the browser registrar database) with a second domain name record in the whois Internet database (e.g., the records tracked by the browser and organized into URL history, or bookmark folders or personal toolbar) and extracting a plurality of unique identifiers each corresponding to a modified or deleted domain name record within a registrar database via the Internet DNS (or domain name services) query executed by a web browser.

Examiner's Answer, p. 10, lines 5-14. However, the portion of Schneider that describes the "autosearch" browser contains no reference whatsoever to updating a second domain name in a whois database based on a first domain name:

The autosearch feature of Microsoft Internet Explorer (MSIE) is another example of an improvement to the location field of a web browser. The details of the autosearch feature is disclosed in U.S. Pat. No. 6,069,459 issued on Dec. 26, 1999 by Iseltire, et al., entitled, "Intelligent automatic searching for resources in a distributed environment." The '459 patent specifies a mechanism for a computer system to automatically and intelligently determine what a user intended when the user entered text within the location field of a web browser. Often users improperly enter URLs or enter search terms in a user interface element that requires URLs. If the user enters text that is not a URL, the system may first try to construct a valid URL from the user-entered text. If a valid URL can not be constructed, the browser then automatically formulates a search engine query using the user-entered text and forwards the query to an Internet search engine.

In addition, the '459 patent specifies a template registry that categorizes the specific suitability of a plurality of search engines to locate web sites related to a determined meaning of the specified text. The template is an entry in the registry that includes replaceable characters that may be replaced with the processed text. An example template registry entry that causes the Yahoo! search engine to be called is "http://msie.yahoo.com/autosearch/?q=", The %s is filled in with information regarding the search terms.

Furthermore, the '459 patent specifies a method which provides for automatically deleting prefix terms from input that are identified as not necessary to perform a search based on the determined meaning of the entered input. Directive terms such as "go" or "find" followed by search terms may

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be entered within the location field. Such users intend for the web browser to locate web pages that are identified by terms within the text. As the directive terms do not contain content that is useful in conducting a search, those prefix terms are dropped from the text.

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Col. 7, line 36 – col. 8, line 5. Schneider merely indicates that when a user enters a search term or incorrect domain name, a web browser can attempt to correct the user’s input and construct a valid URL. There is no suggestion that the web browser can update a domain name in a whois database. There is also no suggestion that the web browser maintains either a registrar database or a whois database – Schneider provides no support for the Examiner’s analysis which equates a “browser registrar database” and history/bookmark list with a registrar database and a whois database, respectively. *See* Examiner’s Answer, p. 10, lines 7-12. In fact, this portion of Schneider does not even contain the terms whois, registrar, or domain name record. These terms are well-known and well-defined in the art, and their absence further indicates that the cited passage is unrelated to updating a whois database.

The auto-correction feature cited by the Examiner simply has no relation to the claimed feature of updating a second domain name in a whois database based on a first domain name, and cannot anticipate the claims. Schneider fails to teach updating a second domain name record within a whois database based on a first domain name record. For at least these reasons, the rejection is improper and should be reversed.

II. The Examiner’s Interpretation of Schneider Does Not Result in the Claimed System.

In the Answer, the Examiner asserts that an improperly-entered URL is a first domain name record, and that a URL stored by a browser in a URL history, bookmark folder, or personal toolbar is a second domain name record in a whois database query. Examiner’s Answer, p. 10, lines 6-11. This interpretation is incorrect – a list of URLs locally stored by a web browser is not a whois database, and a URL entered by a user is not a domain name record stored in a registrar database.

However, even if correct, the Examiner’s interpretation does not result in the claimed system. The claims recite, in relevant part, updating a second domain name record **within the whois database**. If either of the alleged “domain name records” identified by the Examiner is changed, there is no resulting update to any whois database. If the improperly-entered URL is changed, the web browser will merely request an IP address for a different domain name. While this may result in a different whois *query*, there is no suggestion that the query will have any

effect on records stored in the whois database. This query merely implements a resolution of a domain name into an IP address and, as previously explained, such resolution is unrelated to any update of the whois database. Similarly, if a URL stored in a web browser history, bookmark list, or personal toolbar is changed, there is no interaction with a whois database at all. Therefore, such a change cannot possibly update a domain name record within a whois database.

In fact, Schneider's system would render the Internet inoperative if it functioned in the manner suggested by the Examiner. The "autosearch" functionality described in Schneider is intended to correct *improperly*-entered URLs or identify a *valid* URL based on search text. Col. 7, lines 43-53. By definition, the user input represents an inaccurate or invalid domain name. If Schneider updated a domain name record in a whois database based on this user input, the whois database would no longer be accurate. Any subsequent queries to the whois database for that domain name would be unable to identify the IP address associated with the domain name, and thus would be unable to access a web site or other resource associated with the domain name.

For at least these reasons, the Examiner's interpretation of Schneider is inaccurate. The systems disclosed in Schneider fail to disclose each and every feature of the claims, and the claims therefore are not anticipated. Reversal of the rejection is respectfully requested.

Conclusion

Appellants respectfully request reversal of the rejections of claims 21-50. These claims are allowable over the cited art.

Respectfully submitted,

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